

ZB# 89-21

Ethel Owens

60-1-20

#89-21 - Owens Ethel

Prelim.

5/8/89.

Notice to
Sentinel - 5/8/89.

Public Hearing:

May 22, 1989

Collect Fee

\$25.00 ld.

Variance

Granted

5/8/89.

Small
20

General Receipt

10603

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

May 24 19 89

Received of Ethel W. Owens \$ 25.00

Twenty-five and 00 DOLLARS

For ZBA Application fee # 89-21

DISTRIBUTION:

FUND	CODE	AMOUNT
CE 1951		\$ 25.00

By Pauline G. Townsend

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

Oxford®

ESSELTE

MADE IN U.S.A.

NO. 753

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

ETHEL OWENS

DECISION GRANTING
AREA VARIANCE

#89-21.

-----X

WHEREAS, ETHEL OWENS, residing on Short Road, New Windsor, N. Y. 12550, has made application before the Zoning Board of Appeals for a 15 ft. front yard variance for an existing deck attached to the above residential dwelling in an R-4 zone; and

WHEREAS, a public hearing was held on the 22nd day of May, 1989 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared in behalf of herself; and

WHEREAS, the application was opposed by one adjacent resident; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the bulk regulations for an R-4 zone with regard to front yard in order to allow construction on a deck to be completed.

3. The evidence presented by Applicant substantiated the fact that a variance for more than the allowable front yard would be required in order for existing deck to fall within the bulk regulations contained in the R-4 zone and rejection of same would cause practical difficulty to Applicant since relief sought by Applicant is not substantial in relation to the required bulk regulations.

4. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

5. The requested variance will produce no effect on the population density or governmental facilities.

6. That there is no other feasible method available to Applicant which can produce the necessary results other than the variance procedure.

7. The interest of justice would be served by allowing the the granting of the requested variance.

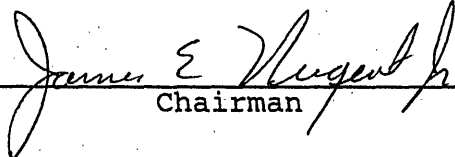
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 15 ft. front yard variance sought by Applicant in accordance distances shown on the map filed with the Building Inspector which were not to scale and in accordance with plans filed in the Building Inspector's office on 4/28/89.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 12, 1989.


Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

89-21.

Date: 5/8/89.

I. ✓ Applicant Information:

- (a) Ethel W. Owens Short Rd. Newburg ✓
(Name, address and phone of Applicant) (Owner)
(b) _____
(Name, address and phone of purchaser or lessee)
(c) _____
(Name, address and phone of attorney)
(d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-4 Short Rd. 60-1-20. 1/2 acre +
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? N/A.
(c) Is a pending sale or lease subject to ZBA approval of this application? NO
(d) When was property purchased by present owner? 1968
(e) Has property been subdivided previously? NO When? -
(f) Has property been subject of variance or special permit previously? NO When? -
(g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? N/A.
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A.

IV. Use Variance: N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section ~~10~~, Table of ~~1~~ Regs., Col. ~~1~~, to allow:
(Describe proposal) _____

- N/A.
- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ✓ Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. E.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
✓ Req'd. Front Yd. <u>35'</u>	<u>20'</u>	<u>15'</u>
Req'd. Side Yd. <u>1</u>	<u>1</u>	<u>1</u>
Req'd. Rear Yd.		
Req'd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) ✓ The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Variance requested is not excessive w/ relation to required bulk reqs. No changes in the property classification which is residential in nature. There is no other relief for Applicant to seek other than variance. Interests of justice will be served.

VI. Sign Variance: N/A

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) ^{N/A.} Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) ^{N/A.} What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: ^{N/A.}

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

VIII. ✓ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

I am putting up a lovely deck which will enhance both my property and the neighborhood in general. A landscaped garden is planned adjoining the deck.

IX. ✓ Attachments required:

- ✓ Copy of letter of referral from Bldg./Zoning Inspector.
- ✓ Copy of tax map showing adjacent properties.
- ✓ Copy of contract of sale, lease or franchise agreement.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ^{N/A} Copy(ies) of sign(s) with dimensions.
- ✓ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 5/8/89

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

✓ Ethel W. Owens
(Applicant)

Sworn to before me this

8th day of May, 1989.

Patricia A. Barnhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1989.

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

5/22/89- Public Hearing - Owen, Ethel # 89-21-

Name:
Thomas Brand

Address:
Box 456 Short Rd.



1763

TOWN OF NEW WINDSOR *Prelim.*

555 UNION AVENUE
NEW WINDSOR, NEW YORK

5/8/89.

#89-21

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

FILE NUMBER 89-17

TO; Ethel Owen

Short Rd.

Salisbury Mills, N.Y.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 28 APR 89,

FOR PERMIT TO Construct Deck

AT Short Rd.

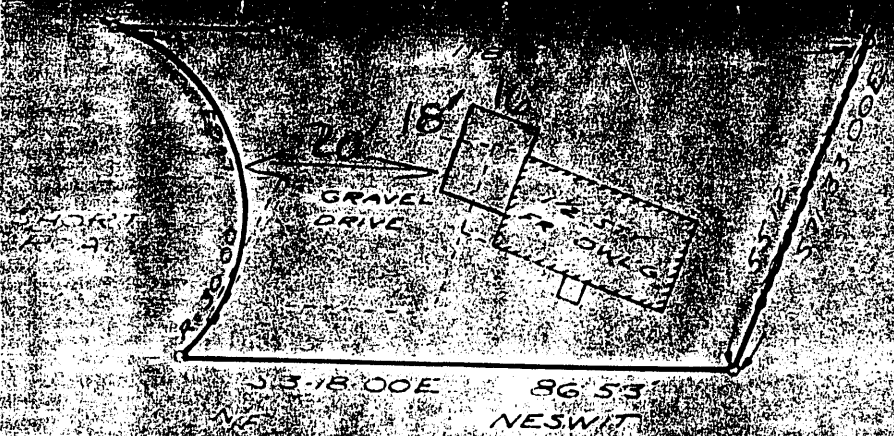
IS DISSAPROVED ON THE FOLLOWING GROUNDS Insufficient setbacks

Zone R-4

REQUIREMENTS	PROPOSED	VARIANCE
35' Front yard	20'	15'

Call Pat Barnhart (565-8550) to set up appointment

Pat Barnhart
BUILDING INSPECTOR



SURVEY OF PROPERTY
FOR
MAJOR ETHEL OWENS

**PREVIOUS
DOCUMENT
IN POOR
ORIGINAL
CONDITION**

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date *April 28* 19*59*..

INSTRUCTIONS

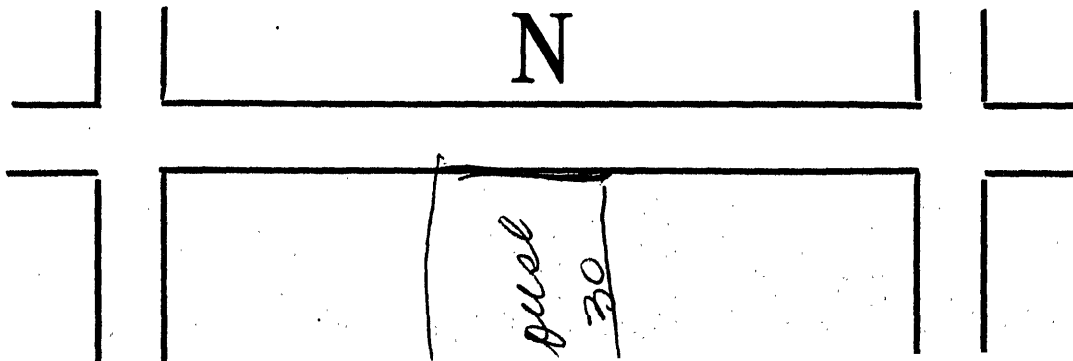
- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant) *Robert W. Owens* (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

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Pursuant to New York State Building Code and Town Ordinances

Date *April 28* 19*89*

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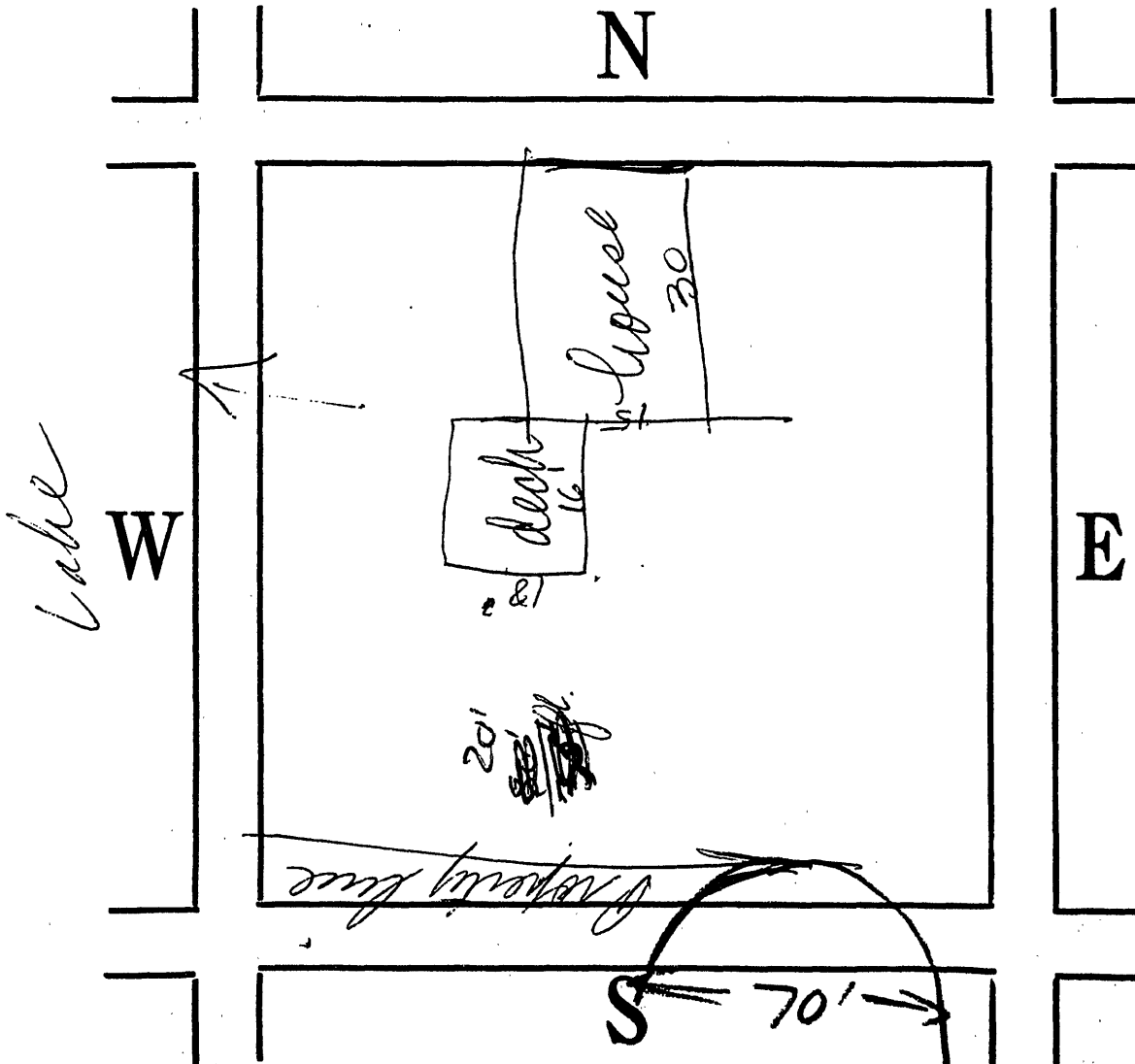
Robert W. Owens
(Signature of Applicant)

(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

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IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW **MUST** BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1-WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2-FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3-INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4-WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5-INSULATION.
- 6-PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME.
- 7-DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR.
- 8-\$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9-PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10-THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11-SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12-SPETIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13-ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.

Name of Owner of Premises

Address.....Phone

Name of Architect.....

Address.....Phone

Name of Contractor

Address.....Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder:

If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the.....side of.....
(N. S. E. or W.)

andfeet from the intersection of.....

2. Zone or use district in which premises are situated

3. Tax Map description of property: Section..... Block..... Lot.....

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:

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Name of Contractor

Address.....Phone

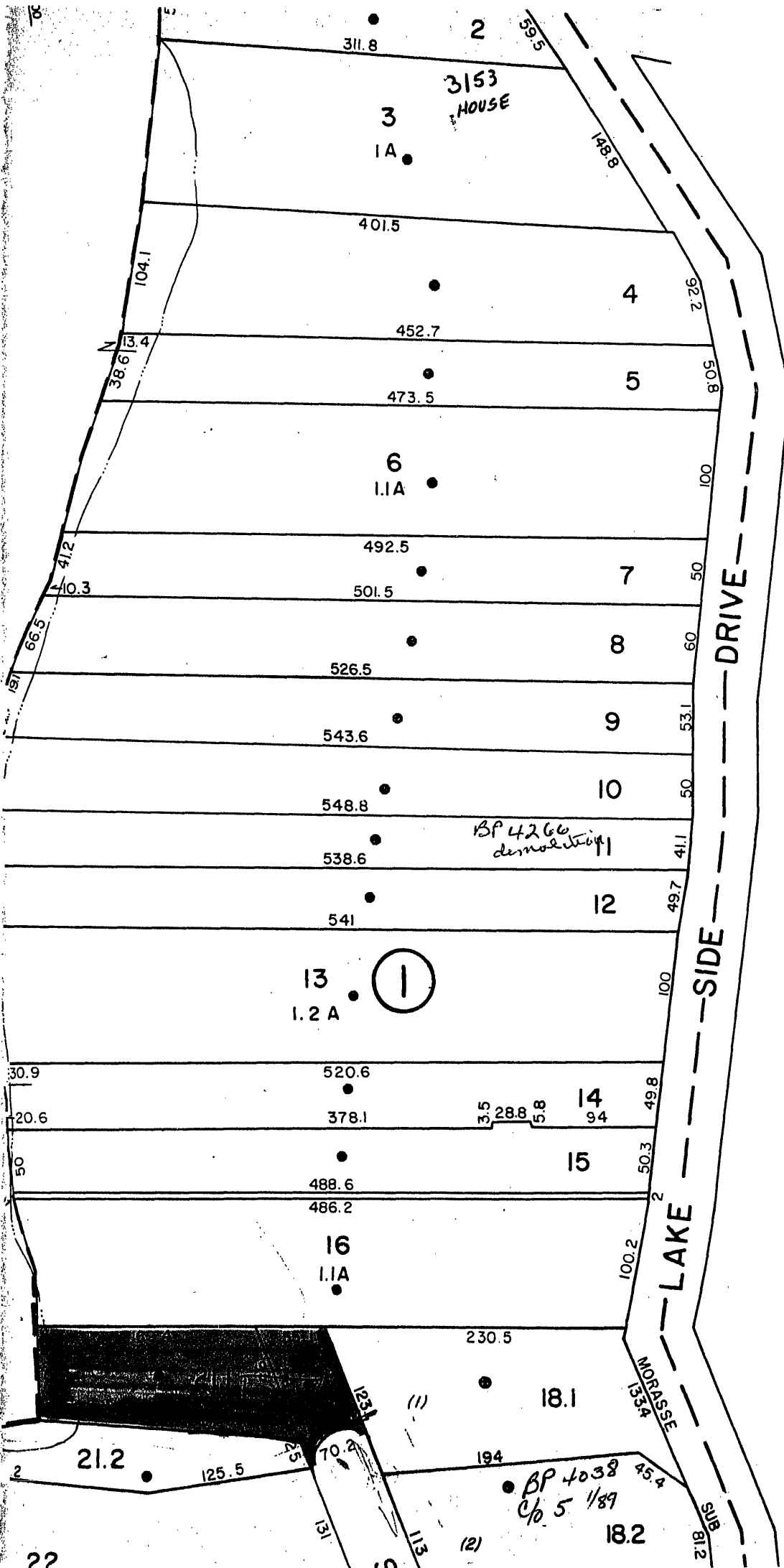
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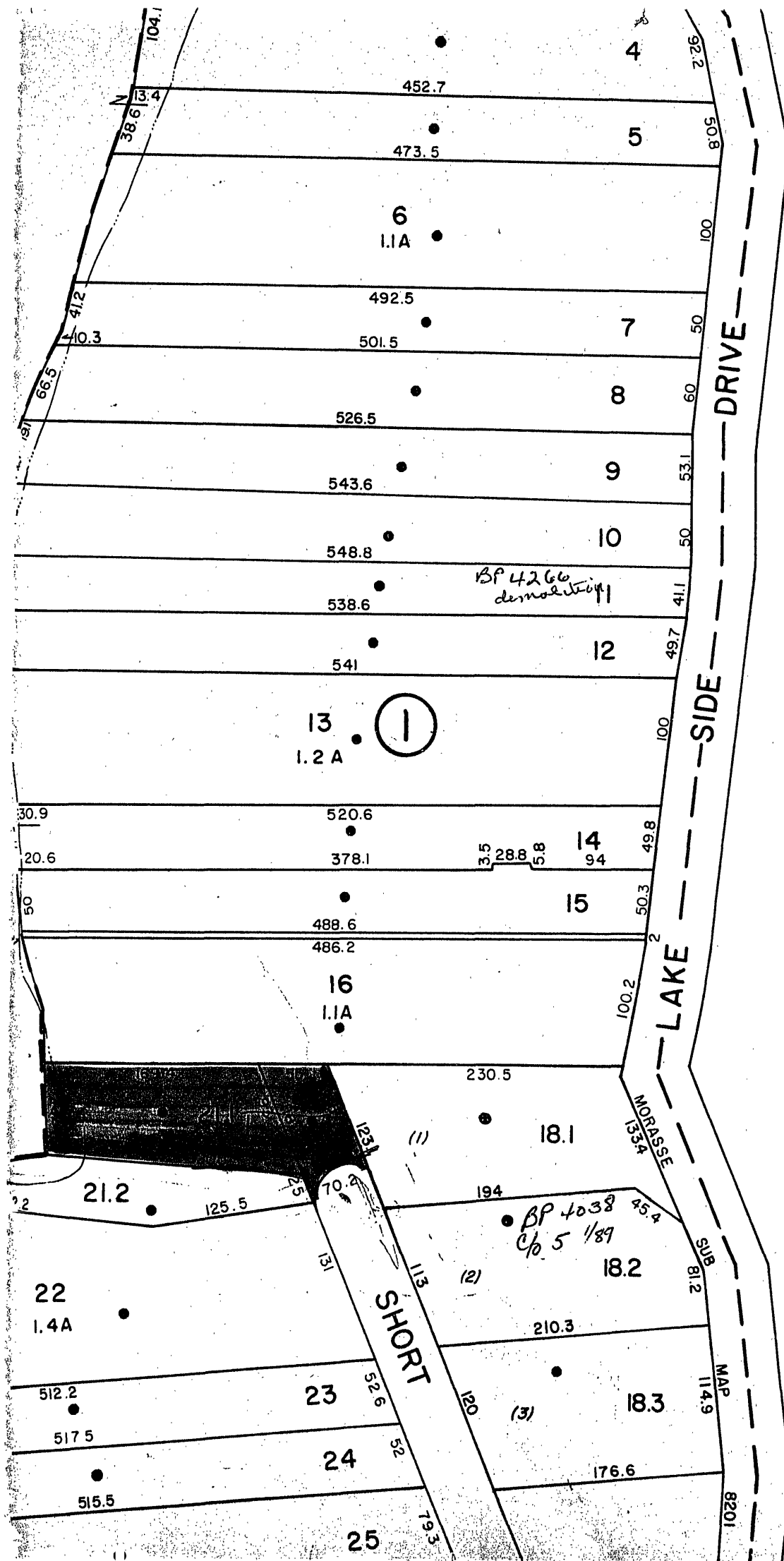
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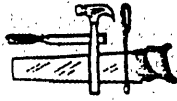
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(Name and title of corporate officer)

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(N. S. E. or W.)
andfeet from the intersection of.....
2. Zone or use district in which premises are situated
3. Tax Map description of property: Section..... Block..... Lot.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy b. Intended use and occupancy
5. Nature of work (check which applicable): New Building.....Addition.....Alteration.....Repair.....Removal.....
Demolition.....Other.....
6. Size of lot: Front..... Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot?.....
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms..... Baths..... Toilets.....
Heating Plant: Gas..... Oil..... Electric...../Hot Air..... Hot Water.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
.....
10. Estimated cost Fee
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.







FREE ESTIMATES

R & L DECKWORKS

CUSTOM DECKS ADDITIONS

RICH MICHALSKI
CAMPBELL HALL, NY 10916
(914) 496-8394

LOU HALL
TUXEDO, NY 10987
(914) 351-5366

Building Materials & Construction Particulars

Ledger - 2 x 8 lag screwed and nailed to dwelling box beam
Girder - 2 x 10 doubled ~~OR 2 x 8~~ DOUBLED
Posts - 4 x 4 on concrete with metal post bases and post caps
Floor Joists - 2 x 8 @ 16" on center with metal hangers to ledger
Decking - 5/4 x 6 OR 2 x 6 per customer preference
Railing - 2 x 6 top with 2 x 2 balusters & 2 x 4 ~~OR~~ 4 x 4 posts
Stairs - 2 x 10 for both stringers and treads
Footings - concrete 36" to 42"
Nails - galvanized/hot-dipped
Hardware - galvanized (i.e., hangers, caps, bases, etc.)

All lumber .40 CCA pressure treated southern yellow pine
Railing design per customer approval

All construction meets or exceeds building code!

RICHT

735-3131

X ~~7~~ 47

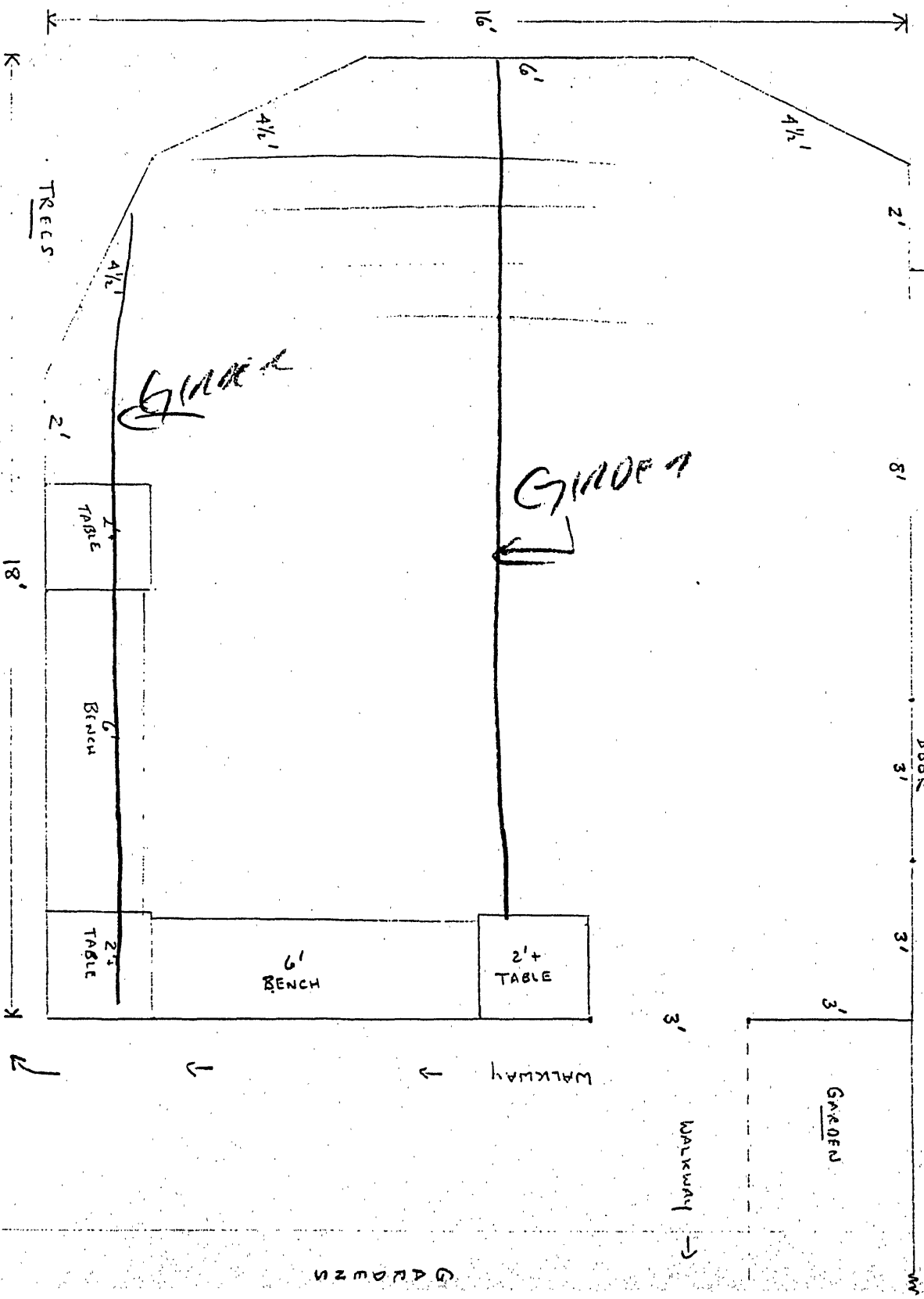
1 800 724 0010

MAS MICHALSKI

CAROL

LAKE
↑

Building



DOWN
TO LAKE
←

GARDEN



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

27

May 11, 1989

Ms Ethel Owens
630 1st Ave., Apt. 8A
New York, NY 10016

Re: Variance List 500 ft. - 60-1-20

Dear Ms Owens:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit same to the Town Clerk, Town of New Windsor, NY.

Very truly yours,

Leslie Cook

LESLIE COOK
Sole Assessor

LC/po
Attachments

Kenny, James
& Mulrooney Mary
Box 382, RD #4
Lakeside Dr.
New Windsor, NY 12550

Dragos, Robert C. & Amy T.
382A Lakeside Dr.
New Windsor, NY 12550

Tucci, William J.
Box 381, RD #4
Lakeside Dr.
New Windsor, NY 12550

Loiacono, Anne & John
RD #4, Lakeside Dr.
New Windsor, NY 12550

Mecca, Joseph G. & Marion E.
RD #4, Lakeside Dr.
Salisbury Mills, NY 12577

Morel, Serge R. & Julia A.
RD #4, Box 371, Lakeside Dr.
New Windsor, NY 12550

Dunnigan, William K. & Cheryl A.
Lakeside Dr.
New Windsor, NY 12550

Williams, Robert I. & Patricia A.
RD #4, Box 370, Lakeside Dr.
New Windsor, NY 12550

Retcho, Terrance & Jeannette
RD #4, Lakeside Dr.
New Windsor, NY 12550

Anderson, Robert & Joan
RD #4, Lakeside Dr., Box 380
New Windsor, NY 12550

Nolte, William & Golden, Kevin
Apt. C-56, West 89th St.
New York, NY 10024

Hirsch, Douglas
Lakeside Dr.
New Windsor, NY 12550

Llanusa, Cecelia
PO Box 182
Salisbury Mills, NY 12577

Greeney, William L. & Adele T.
PO Box 98
Salisbury Mills, NY 12577

Hoffman, Mirja
5500 Fieldstone Road
Bronx, NY 10471

Becker,, Irving & Helen
1046 March Dr.
Valley Stream, NY 11580

Mans Brothers RV & Auto Centers, Inc.
PO Box 247
Vails Gate, NY 12584

Morasse, Richard & Ursula
RD #4, Lakeside Dr., Box 372
New Windsor, NY 12550

Frisch, Thomas & Annemarie
Box 454B, RD #4, Short Rd.
New Windsor, NY 12550

Brand, Sr., Thomas C.
& Brand, Jr., Thomas C.
Box 354, Levell St.
Mahopac, NY 10541

Lally, Margaret Mary
c/o M.A. Costa, Esq.
386 Chestnut Court
Yorktown Hgts, NY 10598

Kiernan, Harold A.
PO Box 215
Newburgh, NY 12550

Robare, Raymond & Margaret
Box 368, Short Dr.
New Windsor, NY 12550

Kolodie, Edith
Box 459, RD #4
New Windsor, NY 12550

Moore, Helen Clarke
RD #4, Box 349, Shore Dr.
New Windsor, NY 12550

Allen, Frank H. & Alice M.
RD #4, Box 350C, Shore Dr.
New Windsor, NY 12550

Gooler, Anthony A. & Christine
Box 362, RD #4, Walnut St.
New Windsor, NY 12550

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 21

Request of Ethel Owen

for a VARIANCE of
the regulations of the Zoning Local Law to

permit construction of a deck on
residential property w/ insufficient front yards,
being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs - Col. E
for property situated as follows:

Short Road, Town of New Windsor
N.Y. known & designated as tax
map Section 60 B1K. 1 Lot. 20.

SAID HEARING will take place on the 22nd day of
May, 1989, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

James Nugent
Chairman